



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,631	02/04/2002	Akseli Anttila	04770.00032	4427

22907 7590 06/14/2006

BANNER & WITCOFF
1001 G STREET N W
SUITE 1100
WASHINGTON, DC 20001

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/066,631	Applicant(s) ANTTILA ET AL.	
	Examiner KIEU-OANH T. BUI	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2623

DETAILED ACTION

In view of the pre-appeal brief filed on 02/07/06, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



Handwritten signature of John Miller in black ink.

JOHN MILLER

**JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by McKenna, Jr. (US Patent 6,915,528 B1).

Regarding claims 1 and 31, McKenna discloses a system (Figs. 1 or 14/15 with mobile devices 102) and a corresponding method of transmitting an alert message from a first mobile wireless device to a second mobile wireless device, the first mobile wireless device comprising a first media player and the second mobile wireless device comprising a second media player, i.e., both device are mobile wireless devices comprising media players such as set top boxes coupled to televisions and/or PDAs (Fig. 14-15 and col. 15/line 65 to col. 16/line 6 for PDAs, telephones, cell phones, pagers etc. comprising a media player because of their capability of displaying and playing of audio/video and also exchanges messages to each other), the method comprising:

(a) presenting broadcast content to a first user of the first media player, i.e., a first user of the first media player can receive an alert message from a broadcast content source, for example, an advertising (Fig. 4 col. 8/line 60-col. 9/line 28 for conventional notification/alert from broadcasters; and Fig. 11 and col. 14/lines 22-53 for alerts/reminders between mobile devices);

Art Unit: 2623

(b) generating at the first media player the alert message formatted to reconfigure the second media player to provide the broadcast content to the second user of the second media player, i.e., the user can tune or set the alert message from the first media player to the second media player by customizing to his/her preference and reconfigure the second media player to receive the alert (col. 16/lines 7-30 for various communication tools are used for reconfiguring the message from the first media player to the second or different media player such as HTTP, FTP, SMTP, IMAP, web browsers, e-mails etc...); and

(c) transmitting the alert message from the first media player to the second media player to provide the broadcast content to the second user of the second media player, i.e., the alert message is then broadcasting the content to the second user of the second media player (as shown in Fig. 15, media player or set top 102a rebroadcasts the alert message to other media player 102b (col. 15/line 65 to col. 16/line 14).

As for claim 2, in view of claim 1, McKenna discloses “wherein the tune alert message comprises at least one content selection configuration parameter of the first media player”, i.e., content selection configuration parameters are provided to the user for selecting or customizing (Figs. 6, as the user selects parameters for the receiving contents, see col. 10/line 54 to col. 11/line 37).

As for claims 3 and 4, in view of claim 1, McKenna further discloses “wherein the content comprises audio content received from a radio broadcast source” and “wherein the content comprises audio-visual content received from a video broadcast source”, i.e., local news and programs including the Internet and various sources are broadcasting to the user including

Art Unit: 2623

audio and visual contents, not limited to any network, see col. 4/lines 42-46, and col. 6/lines 7-32).

As for claim 5, in view of claim 1, McKenna further discloses “wherein the tune alert message comprises an identification of a content source”, i.e., the tune alert message is identified with the ID of a content source (Fig. 14 shows program contents and the channel associated with the program contents).

As for claim 6, in view of claim 5, McKenna further discloses “wherein the tune alert message further comprises profile information to characterize the broadcast content” (Fig. 7 and col. 12/line 42 to col. 13/line 10 for profile information associated with the broadcast content).

As for claim 7, in view of claim 1, McKenna further discloses “wherein (c) comprises transmitting the tune alert message from the first media player to a message server”, i.e., a message server is provided for the user to send and retrieve messages/data from and to that server (Fig. 1 and col. 5/lines 17-27 for the headend acts as the central facility in handling all of the interactive services including message delivery).

Regarding claims 8-9, McKenna discloses “a method of adjusting a configuration of a mobile wireless device to receive broadcast content, the mobile wireless device comprising a media player, the method comprising: (a) receiving at the media player an alert message formatted to reconfigure the media player to provide the broadcast content to a user of the media player; (b) presenting the alert message to the user of the media player; and (c) reconfiguring the media player to process the broadcast content”; “after (b) receiving an input from the user accepting or denying the tune alert message” (refer to claim 1 above); and wherein (c) comprises reconfiguring the media player to process the broadcast content only when the user accepts the

Art Unit: 2623

tune alert message”, i.e., the user of the media player accepts the tune alert message based on conditions that he/she set ups or filtering for receiving the broadcast content (refer to Fig. 6 and col. 10/line 54 to col. 11/line 37 for selecting/deselecting attributes).

As for claim 10, in view of claim 8, McKenna further discloses “wherein the tune alert message comprises configuration parameters of another media player”, i.e., configuration parameters of another media player is provided (col. 14/lines 21-53 for the endless possibilities for the first user to call another user based on other device interfaces).

As for claims 11-13, McKenna further discloses “wherein the content comprises audio content received from a radio broadcast source”; “wherein the content comprises audio-visual content received from a video broadcast source”; and “wherein the tune alert message comprises an identification of a content source” (refer to claims 3-5 above).

As for claim 14, in view of claim 8, McKenna further discloses including “before (b): comparing at least one parameter of the tune alert message to at least one preference parameter provided by a user of the media player”, i.e., before presenting the tune message to the user, the comparison step of at least one parameter of the tune alert message against at least one preference parameter provided by the user of the media player (Figs. 6, as the user selects parameters for the receiving contents, see col. 10/line 54 to col. 11/line 37).

As for claim 15, in view of claim 8, McKenna further discloses “wherein the broadcast content comprises promotional content”, i.e., advertising content is providing to the user (col. 12/lines 29-41).

Regarding claim 16, McKenna discloses “a mobile wireless device configured to receive messages and broadcast content, the mobile wireless device comprising: a media player, the media player comprising: a communication module that receives a message identifying a source of broadcast content; a tuner that is adjustable to process content received from a plurality of different sources of broadcast content; and an alert module configured to adjust the tuner to process content received from the source of the broadcast content identified in the message” (col. 5/lines 17-42, a set top box comprising an integrated receiver/decoder IRD working as a tuner for tuning to different channels, from different sources).

As for claims 17-19, in view of claim 16, McKenna further discloses “wherein the tuner processes radio content”; “wherein the tuner processes video content” and “wherein the tuner process multimedia content” (Fig. 1, claim 16 above for tuner, and claims 3-5 for media contents).

Regarding claims 20, 29, and 32, these claims for “a computer-readable medium containing computer-executable instructions for causing a first mobile wireless device comprising a first media player to perform the steps comprising: (a) presenting content to a user of the first media player, (b) generating at the first media player a tune alert message that may be used to reconfigure a second media player to provide the content to a user of the second media player; and (c) transmitting the tune alert message from the first media player to the second media player to provide the broadcast content to a user of the second media player” and the step of “receiving and tuning the first media player from another wireless device” are rejected for the reason given in the scope of claims 1, 8, and 16 as already disclosed above with a computer readable medium such as a GUI within local devices and equipped with an Internet browser for

Art Unit: 2623

executing executable instructions for the media player and local devices to perform those steps as disclosed earlier.

As for claims 21 and 30, McKenna discloses “a mobile wireless device comprising a media player comprising: a means for selecting content to present to a user; a means for transmitting tuning information that corresponds to the content and is formatted to be used to tune a remote device” (see claim 8, wherein the limitation of “to tune to a remote device” referred to another device or a second local device as already discussed, and means for receiving tuning information from another mobile wireless device and tuning to a source of the other broadcast; furthermore, as in view of claim 16 above.

As for claims 22, McKenna discloses “a mobile terminal, comprising: a transceiver module that sends and receives messages; a tuner module configurable to select broadcast content; a tune alert module coupled to the tuner module and the transceiver module, the tune alert module generating tune alert messages that are formatted to adjust a tuner module of another mobile terminal” (Fig. 9 and see claim 16 above).

As for claim 23, in further view of claim 1, McKenna teaches this limitation as the second user can receive the broadcast content sent from the first mobile device with broadcast parameter and source of broadcast (as discussed in claims 2-5 above).

As for claim 24, McKenna shows the broadcast content and the alert message is clearly in different communication channels by using appropriate network interfaces for pushing broadcast content (claim 1 above; Fig. 11, and col. 14/lines 21-53 for the endless possibilities for the first user to call another user based on other device interfaces).

Art Unit: 2623

As for claims 25-27, these claims simply referred to the alert message contains at least broadcast parameter and source of the broadcast content so the media player can tune to the broadcast source, as repeatedly disclosed above, McKenna discloses the local device with set top boxes for automatically tuning to the broadcast source and view the content with at least one broadcast parameter (Figs. 6-8).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Novak et al. (U.S Pat. No. 7,006,613 B2) disclose a system and method for screening incoming video communications within an interactive television system.

De Vries (U.S Pat. No.6,968,179 B1) discloses the information service processes people and place data to identify those of the listed people.

Brandenberg et al. (U.S. Pat. No. 6,834,195 B2) disclose a method and apparatus for scheduling presentation of digital content a personal communication device.

5. **Any response to this action should be mailed to:**
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to PTO New Central Fax number:

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*


Art Unit: 2623

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

May 16, 2006



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600